

### REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Applicants thank the Examiner for indicating the allowance of claims 1-4, 23, 24 and 26, as well as for indicating the presence of allowable subject matter in claim 27.

Claim 5 was rejected under 35 USC § 102(b) as allegedly being anticipated by WO 99/30381. The Office Action asserts this reference teaches each feature of the rejected claim. In response, claim 5 has been amended to recite that the surface tension of the electrolyte is greater than the surface free energy of the solid elements. This amendment, as discussed in Paragraph 7 of the Office Action, amends claim 5 in accordance with the previously amended other independent claims. Since claim 5 now recites the feature noted by the Office Action, as neither being taught nor suggested by the cited art, Applicants respectfully submit that claim 5, and each of the claims depending therefrom, are in condition for allowance.

Claim 25 stands rejected under 35 USC § 102(b) as allegedly being anticipated by JP 7-153467. The Office Action asserts formula 11 of this reference teaches each feature of the rejected claim. In response, the identity of -Y has been amended to recite "-OH, -CH<sub>3</sub>, -PO<sub>3</sub>W<sub>2</sub> or -SO<sub>3</sub>W (W is an alkali

metal).” Since formula 11 of JP ‘467 requires -Y to be -H, Applicants respectfully submit that formula 11 does not anticipate the subject matter of claim 25.

Claims 6-8 and 12-22 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over WO ‘381. Reconsideration in light of the above-amendments is respectfully requested. Specifically, as detailed in the preceding paragraph herein, claim 5, from which each of claims 6-8 and 12-22 depend, presently recites that the surface tension of the electrolyte is greater than the surface free energy of the solid elements. Applicants respectfully submit that because such a feature is neither taught nor suggested by WO ‘381, no prima facie case of obviousness can be established.

Claim 9 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over WO ‘381 in further view of FR 2704099. However, as claim 9 depends from claim 5, and FR ‘099 fails to cure the deficiencies of WO ‘381, Applicants respectfully submit that the combination of WO ‘381 and FR ‘099 fails to teach or suggest each feature recited by claim 9.

Claims 10 and 11 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over WO ‘381 in view of FR ‘099 and JP ‘467. However, as claims 10 and 11 depend from claim 5, and neither FR ‘099 nor JP ‘467 cures the deficiencies of WO ‘381,

Applicants respectfully submit that the combination of WO '381, FR '099 and JP '467 fails to teach or suggest each feature recited by claim 9.

In light of the foregoing, it is submitted that the present application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may be best resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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